

REMARKS

In the Office Action dated March 22, 2006, claims 11-23 were rejected under 35 U.S.C. § 101; and claims 1-15, 18-23 and 26-28 were rejected under § 103 over U.S. Patent No. 6,615,258 (Barry) in view of U.S. Patent No. 5,710,884 (Dedrick).

The title has been amended to address the objection.

REJECTION UNDER 35 U.S.C. § 101

Claims 11-23 have been amended to recite that the software system is stored on at least a computer-usable storage medium and is executable in a computer system. Therefore, it is respectfully submitted that the § 101 rejection has been overcome.

REJECTION UNDER 35 U.S.C. § 103

It is respectfully submitted that a *prima facie* of obviousness has not been established with respect to claim 1 over Barry and Dedrick, for at least the following reasons: (1) no motivation or suggestion existed to combine the reference teachings; and (2) the references when combined do not teach or suggest all elements of the claim. *See* M.P.E.P. § 2143 (8<sup>th</sup> ed., Rev. 3), at 2100-135.

Point (2) is addressed first. As conceded by the Office Action, Barry fails to teach a control to add the additional customization module to the interceptor system while the application is running. 3/22/2006 Office Action at 4. Instead, the Office Action relied upon Dedrick as disclosing this claim element. *Id.* The Office Action cited mainly to Fig. 10 of Barry as disclosing the various elements of the interceptor system recited in claim 1. 3/22/2006 Office Action at 4. The Office Action also referred to various passages in column 21 of Barry that discusses the Fig. 10 arrangement of Barry.

Fig. 10 of Barry discloses a client GUI application front end, including a report requester 212, a report viewer 215, an inbox client 210, and an order entry client 280. Also, Fig. 10 of Barry discloses a middle tier that includes a report manager 250, report scheduler 260, inbox server 270, order entry server 39, and dispatcher 26. The customization modules recited in claim 1 were considered by the Office Action to be disclosed by the “application proxy components” referred to at line 26 of column 21 of Barry. The application proxy components of Barry include

a report manager proxy 250' in the report manager 250 (Barry, 22:5), an inbox proxy 270' in the inbox server 270 (Barry, 28:50), and a report scheduler proxy 260' in the report scheduler 260.<sup>1</sup>

As correctly noted by the Office Action, Barry fails to disclose a customization control to add an additional customization module to the interceptor system while the application is running. However, the Office Action erred in stating that claim 1 would be obvious over Barry and Dedrick. Dedrick does not provide any teaching or suggestion of adding an additional customization module to an interceptor system while the application is running. Dedrick describes communicating electronic content, such as advertisement content, newspaper content, magazine content, or encyclopedia content (*see* Dedrick, 9:47-52), from publishers/advertisers 18 to clients 12 (*see* Dedrick, Fig. 1). The client 12 of Dedrick includes a session manager 29 to transfer data and control information to and from the client. Dedrick, 5:39-42. The client 12 also includes a content adapter 25 to customize electronic content (e.g., advertisements, newspaper/magazine articles, encyclopedia entries) based on a user profile, such as to change a color of the electronic content based on a user's color preferences, or to change the electronic content between audio format and video format based on the user's consumption preference. Dedrick, 7:15-27.

Modifying information content by the content adapter 25 of Dedrick is completely different from adding an additional customization module to an interceptor system, as recited in claim 1. Therefore, it is respectfully submitted that, since neither Dedrick nor Barry (alone or in combination) teaches or suggests each and every element of claim 1, a *prima facie* case of obviousness has not been established for at least this reason.

A further defect in the obviousness rejection is the identification of database 258 in Barry as being the customization repository of claim 1, which customization repository stores customization modules. The database 258 of Barry provides accounting of metadata and user report inventory -- there is no suggestion anywhere that this database 258 stores customization modules as recited in claim 1. This is a further reason that the hypothetical combination of Barry and Dedrick does not teach or suggest all elements of claim 1.

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<sup>1</sup> Curiously, the Office Action also stated that these proxies disclosed in Fig. 10 of Barry constituted the proxy recited in claim 1. *See* 3/22/06 Office Action at 3-4. Therefore, there appears to be an inconsistency in application of Barry to the "proxy" and "customization module" elements recited in claim 1.

Another defect of the obviousness rejection is that no motivation or suggestion existed to combine Barry and Dedrick. Barry relates to a data management system in which a user can request, specify, customize, and schedule delivery of reports pertaining to a customer's data, such as reports relating to details regarding calls, data relating to call routing, network management data, trouble ticket information, and fault alarms. Barry, 3:42-50; 2:5-22. Dedrick, on the other hand, relates to modifying actual electronic content, such as advertisements, newspaper/magazine articles, and encyclopedia entries, tailored to a user's preferences. A person skilled in the art would not have been motivated to combine the disparate teachings of Barry and Dedrick. *See In re Fritch*, 972 F.2d 1260, 1266, 23 U.S.P.Q.2d 1780 (Fed. Cir. 1992) ("The mere fact that the prior art may be modified in the manner suggested by the Examiner does not make the modification obvious unless the prior art suggested the desirability of the modification.").

In light of the foregoing, it is respectfully submitted that a *prima facie* case of obviousness has not been established with respect to claim 1.

Independent claims 9, 10, 11, 19, and 20 are allowable for similar reasons.

Dependent claims are allowable for at least the same reasons as corresponding independent claims.

Allowance of all claims is respectfully requested. The Commissioner is authorized to charge any additional fees and/or credit any overpayment to Deposit Account No. 08-2025 (10006790-1).

Respectfully submitted,

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